

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health and Addiction Services v.

Cathy Lynn Muir, R.N.

Registered Nurse License No. E55113

18 Maplewood Avenue

West Hartford CT 06119

CASE PETITION NO. 940810-10-082

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges dated September 2, 1994 and a Motion for Summary Suspension dated August 30, 1994. (Department Exhibit 1) The Statement of Charges alleged, in two (2) counts, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Cathy Lynn Muir (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to public health and safety. On September 8, 1994, the Board ordered, pursuant to its authority under §19a-17 of the General Statutes of Connecticut, that the registered nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. (Department Exhibit 1)

The Board issued a Notice of Hearing dated September 8, 1994 scheduling a hearing for September 21, 1994. The hearing took place on September 21, 1994 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. (Department Exhibit 1)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and his/her specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Cathy Lynn Muir, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E55113 on September 10, 1992 and was at all times referred to in the Statement of Charges the holder of said license. (Department Exhibit 1-C)
2. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates the Summary Suspension Order, the Notice of Hearing and the Statement of Charges were delivered by certified mail to the Respondent's address of record on September 10, 1994.
3. The Respondent was not present during the hearing and was not represented by counsel. The Respondent did not file an answer to the Statement of Charges. (Hearing Transcript, September 21, 1994, pp. 2-3, 18)
4. That pursuant to a Memorandum of Decision dated June 9, 1994 the registered nurse license of the Respondent was placed on probation for a period of three (3) years effective June 15, 1994, for diverting the controlled substance Klonopin and Valium while she was employed as a registered nurse at Elmcrest Hospital, Portland, Connecticut, and for abuse and/or excessive use of alcohol and the controlled substances Klonopin and Valium. (Department Exhibit 1-A)

5. That the probation of the Respondent's registered nurse license included the conditions that the Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her for a legitimate medical purpose by a licensed health care practitioner. (Department Exhibit 1-A)
6. That beginning on or about March 14, 1994, the Respondent was employed as a registered nurse at Portland Convalescent Centre Inc., Portland, Connecticut. (Department Exhibit 1-G6)
7. That on or about July 28, 1994 while working as a registered nurse at Portland Convalescent Centre, Inc., the Respondent diverted for her own use the controlled substances Tylenol #2, Tylenol #3, Restoril, Ativan, Lortabs and Xanax. (Department Exhibits 1-B, 1-G)
8. That on or about July 28, 1994 while working as a registered nurse at Portland Convalescent Centre, the Respondent falsified medication records by indicating that the controlled substances she diverted for her own use had been administered to patients. (Hearing Transcript, September 21, 1994, pp. 14-15)
9. That the Respondent diverted from the Portland Convalescent Centre, Inc., the controlled substances cited in FACT 7 due to personal problems. (Department Exhibit 1-G)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Cathy Lynn Muir held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut Sections 4-177, 4-182 and 19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as 19-2a-1 through 19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The FIRST COUNT PARAGRAPH 2 of the Statement of Charges alleges that subsequent to August 1993 and on or before August 1, 1994, while working as a registered nurse at Portland Convalescent Centre, Portland Connecticut the Respondent diverted for her own use one or more of the following medications: six (6) Tylenol #2; one (1) Tylenol #3; one (1) Restoril; one (1) Ativan; two (2) Lortabs; and one-half (1/2) Xanax.

The Respondent did not file an answer to the Statement of Charges, therefore the Board deems this charge admitted.

The FIRST COUNT PARAGRAPH 3 of the Statement of Charges alleges that on or about July 28, 1994 the Respondent possessed one or more of the medications listed in paragraph 2 without having a valid prescription for the same.

The Respondent did not file an answer to Statement of Charges, therefore the Board deems this charge admitted.

The FIRST COUNT PARAGRAPH 4 of the Statement of Charges alleges that on or before July 28, 1994 the Respondent abused and/or used to excess alcohol and one or more of the following controlled substances: Klonopin, Tylenol #3, Restoril, Ativan, Lortabs, Xanax and/or Valium.

The Respondent did not file an answer to the Statement of Charges, therefore the Board deems this charge admitted.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals... (6) fraud or material deception in the course of professional services or activities...."

Based on its findings the Board concludes that the Respondent's conduct as specified in the First Count is proven and that said conduct violates the General Statutes of Connecticut §20-99(b)(2), (5) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The SECOND COUNT of the Statement of Charges alleges that the Respondent, by diverting the controlled substances Tylenol #2, Tylenol #3, Restoril, Ativan, Lortabs, and Xanax from Portland Convalescent Centre on or about July 28, 1994, violated the terms of probation as set forth in the Memorandum of Decision dated June 9, 1994 in that she failed to refrain from obtaining for her personal use and/or using any drugs unless prescribed for her for a legitimate medical purpose by a licensed health care practitioner.

The Respondent did not file an answer to the Statement of Charges, therefore the Board deems this charge admitted.

Based on its findings the Board concludes that the Respondent's conduct as specified in the Second Count is proven and that said conduct constitutes a violation of the probation of the Respondent's registered nurse license as set forth in the Memorandum of Decision dated June 9, 1994. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for the First Count and the Second Count the Respondent's registered nurse license, No. E55113, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Chairperson of the Board of Examiners for Nursing.

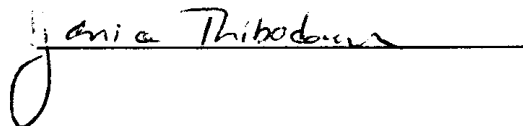
The Board of Examiners for Nursing finds the misconduct regarding the First Count and Second Count is severable and each specific offense warrants the disciplinary action imposed.

The Board of Examiners for Nursing hereby informs the Respondent, Cathy Lynn Muir and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 30th day of November, 1994.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Janice Thibodeau", is written over a horizontal line.

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